

AO 440 (Rev. 8/01) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

Southern

District of

New York

Fresh Del Monte Produce Inc.

V.

Del Monte Pacific Limited and  
Del Monte Corporation

## SUMMONS IN A CIVIL ACTION

CASE NUMBER:

939 000 3606

TO: (Name and address of Defendant)

Del Monte Pacific Limited  
Craigmuir Chambers  
Road Town, Tortola  
British Virgin Islands

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

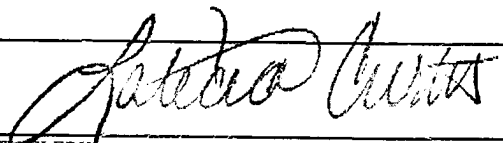
Kenneth A. Plevan  
Anthony J. Dreyer  
Limor Robinson  
Skadden, Arps, Slate, Meagher & Flom LLP  
Four Times Square  
New York, New York 10036

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

APR 15 2008

CLERK



(By) DEPUTY CLERK

DATE

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<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
		\$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____  <div style="display: flex; justify-content: space-around; width: 100%;"> <span>Date</span> <span>Signature of Server</span> </div>   <div style="text-align: center; margin-top: 20px;"> <span>Address of Server</span> </div> </p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

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FRESH DEL MONTE PRODUCE, INC.,	:	AFFIDAVIT OF SERVICE BY
	:	<u>INTERNATIONAL REGISTERED MAIL</u>
	:	
Plaintiff,	:	Index No. 08 CIV 3606
	:	
-against-	:	
	:	
DEL MONTE PACIFIC LIMITED,	:	
	:	
Defendant.	:	

----- X

STATE OF NEW YORK            )  
  : ss.:  
COUNTY OF NEW YORK        )

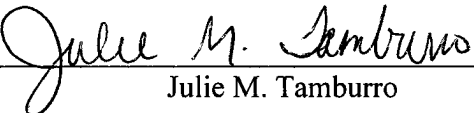
Julie M. Tamburro, being duly sworn, deposes and says:

1. I am not a party to the action, am over 18 years of age and am employed by Skadden, Arps, Slate, Meagher & Flom LLP, Four Times Square, New York, NY 10036.
2. On April 16, 2008, I served a true copy of the *Summons in a Civil Action, Complaint with exhibits attached thereto, Civil Cover Sheet, Rule 7.1 Statement of Plaintiff Fresh Del Monte Produce Inc. and Procedures for Electronic Case Filing* upon the following by International Registered Mail, Return Receipt Requested:

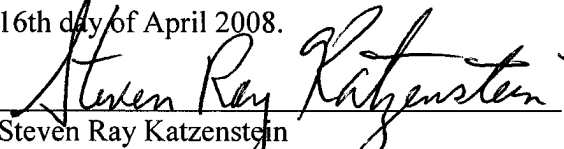
Del Monte Pacific Limited  
Craigmuir Chambers  
Road Town, Tortola  
British Virgin Islands

by enclosing the aforementioned document into a post-paid properly addressed envelope and delivering same to an official of the U.S. Postal Service within the State of New York for their exclusive care and custody.

3. A copy of the receipt from U. S. Postal Service reflecting their acceptance of the Registered Mail for international delivery is annexed hereto and made a part hereof.

  
Julie M. Tamburro

Sworn to before me this  
16th day of April 2008.

  
Steven Ray Katzenstein  
Notary Public, State of New York  
No. 01KA4745340  
Qualified in Queens County  
Certificate Filed in New York County  
Commission Expires June 30, 2011